

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HOWLINK GLOBAL LLC,	§	
Plaintiff,	§	
v.	§	
AT&T, INC., et al.	§	CASE NO. 2:22-cv-00040-JRG-RSP
Defendants,	§	(Lead Case)
NOKIA CORPORATION OF AMERICA,	§	
Intervenor,	§	JURY TRIAL DEMANDED
ERICSSON, INC.	§	
Intervenor.	§	
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HOWLINK GLOBAL LLC,	§	
Plaintiff,	§	
v.	§	
VERIZON COMMUNICATIONS, INC., et al.,	§	CASE NO. 2:22-cv-00042-JRG-RSP
Defendants,	§	(Member Case)
NOKIA CORPORATION OF AMERICA,	§	
Intervenor,	§	JURY TRIAL DEMANDED
ERICSSON, INC.	§	
Intervenor.	§	

**MOTION FOR ISSUANCE OF LETTER OF REQUEST
FOR INTERNATIONAL JUDICIAL ASSISTANCE**

Defendants AT&T, Corp., et al (“AT&T”) and Defendants Cellco partnership d/b/a Verizon Wireless, et al, (“Verizon”) (AT&T and Verizon collectively, “Defendants”) and

Intervenors Ericsson, Inc. (“Ericsson”) and Nokia of America Corporation (“Nokia”) (Nokia and Ericsson collectively, “Intervenors”) respectfully request that the Court issue the letter of request attached hereto as Exhibit 1 (“Letter of Request”). The Letter of Request solicits assistance from the authorities of the Republic of Korea (“South Korea”) to obtain documents and deposition testimony from KT Corporation, the original assignee of Patent Application No. 13/453,036 that lead to U.S. Patent No. 9,596,576 (“the ’576 Patent”), the filer of the reissue application that led to U.S. Patent No. RE46,415 (“the ’415 Patent”), and an assignee of an interest in U.S. Patent No. 8,630,279 (“the ’279 Patent”). The requested documents and deposition testimony may be material to Defendants’ and Intervenors’ defenses.

I. FACTUAL BACKGROUND

Howlink Global LLC (“Howlink”) exists as a patent assertion entity monetizing patents that it acquired from foreign companies. To that end, Howlink filed suit against Defendants alleging infringement of three patents¹ two of which, the ’576 Patent, and the ’415 Patent, originated with KT Corporation. KT Corporation was also at one point an assignee of an interest in the third asserted patent, the ’279 Patent. With respect to these three patents, Howlink contends that it does not have any P.R. 3-2(a) or (b) documents in its possession, custody, or control. Howlink represents Kyeong-Soo Lee and Hak-Seong Yu, two of the four named inventors of the 415 Patent, and has accepted service of subpoenas on those two individuals. However, as over a decade has passed since those inventors assigned their interests in the ’415 Patent, it is possible that KT Corporation, not the inventors, is the best avenue to obtain critical discovery regarding licensing, invention, and other critical issues in this case. Additionally, to date, Howlink has not

¹ U.S. Patent Nos. 8,630,279 (“the ’279 patent”); RE46,415 (“the ’415 patent”); 9,596,576 (“the ’576 patent”).

confirmed that it can accept service of subpoena on behalf of the other inventors of the '415 Patent, nor any inventors of the '576 Patent. Howlink has also stated that it cannot accept service of a subpoena for the inventors of the '279 Patent, suggesting instead that the Defendants and Intervenor seek Hague service for those individuals. While Defendants and Intervenor are considering pursuing such discovery, as over a decade has passed since those inventors assigned their interests in the '279 Patent, it is again possible that KT Corporation, not the inventors, is the best avenue to obtain discovery.

Consequently, Defendants and Intervenor respectfully request that the Court issue the attached Letter of Request to the judicial authorities of South Korea. *See* Exhibit 1.² During the parties' meet and confer, on September 16, prior to filing this motion, Howlink indicated that it does not oppose the relief sought herein.

II. ARGUMENT

The Hague Convention "procedures are available whenever they will facilitate the gathering of evidence by the means authorized in the Convention." *Société Nationale Industrielle Aéropostiale v. U.S. Dist. Ct. for the S. Dist. of Iowa*, 482 U.S. 522, 541 (1987). Because South Korea is a party to the Hague Convention, the attached Letter of Request is an appropriate means for seeking discovery from KT Corporation.³

As reflected in the attached Letter of Request, Defendants and Intervenor seek, among other things, licenses covering the asserted patents, documents evidencing the first public disclosure

² Should the Court grant Defendants' and Intervenor's Motion for Issuance of Letter of Request, Defendants and Intervenor will obtain a certified Korean translation of Exhibit 1.

³ *See* <https://travel.state.gov/content/travel/en/legal/Judicial-Assistance-Country-Information/KoreaRepublicof.html> (last accessed October 13, 2022); *see also* 28 USC § 1781(b)(2) (permitting the "transmittal of a letter rogatory or request directly from a tribunal in the United States to the foreign or international tribunal, officer, or agency to whom it is addressed and its return in the same manner").

or sale of the alleged inventions, conception documents, and communications between the named inventors and standard setting organizations regarding subject matter disclosed in the asserted patents. *See* Exhibit 1. The bulk of the requested evidence should have been produced with Howlink's infringement contentions, *see* P.R. 3-2, but Howlink maintains that it does not possess this routine discovery. Accordingly, Defendants and Intervenor request that the Court issue the attached Letter of Request to the judicial authorities of South Korea to obtain documents and testimony from KT Corporation that may be vital to Defendants' and Intervenor's defenses in this case.

If the Court grants this Motion, Defendants and Intervenor respectfully request that the Court execute two copies of the Letter of Request with an original signature, to which the Clerk of the Court shall affix an original seal. Defendants and Intervenor also respectfully request that the Clerk of the Court send the executed Letter of Request to the following Central Authority of the Republic of Korea:

National Court Administration

Attn: Director of International Affairs
Secho-daero 219
Secho-gu
SEOUL 06590
Republic of Korea
Phone: +82 (2) 3480 1734
Email: international@scourt.go.kr

III. CONCLUSION

Defendants and Intervenor respectfully request that the Court issue the attached Letter of Request to the judicial authorities of South Korea to obtain relevant documents and other information from KT Corporation.

Dated: October 13, 2022

/s/ Ross R. Barton

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document was filed electronically in compliance with Local Rule CV-5(a) October 13, 2022.

/s/ Ross R. Barton

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CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that pursuant to Local Rules CV-7(h) and (i), counsel for Defendants and Intervenors conferred with counsel for Plaintiff regarding this Motion and all counsel indicated that they do not oppose the relief sought herein.

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